

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**HOLLY STEELE, *on behalf of M.D.***

**Plaintiff,**

**vs.**

**5:09-cv-0347 (NAM/VEB)**

**MICHAEL J. ASTRUE, *Commissioner of Social Security,***

**Defendant.**

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**APPEARANCES:**

**OF COUNSEL:**

Olinsky, Shurtliff Law Firm  
300 S. State Street  
5th Floor  
Syracuse, NY 13  
Attorney for Plaintiff

Jaya A. Shurtliff, Esq.

Social Security Administration  
Office of the General Counsel  
Region II  
26 Federal Plaza - Room 3904  
New York, New York 10278  
Attorney for Defendant

Michelle L. Christ, Esq.  
Special Assistant U.S. Attorney

**Norman A. Mordue, Chief U. S. District Judge**

**ORDER**

The above matter comes to me following a Report-Recommendation by Magistrate Judge Victor E. Bianchini, duly filed on the 10<sup>th</sup> day of August 2011. Following fourteen (14) days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

**ORDERED** that:

1. The Report-Recommendation is hereby adopted in its entirety.

2. Plaintiff's Motion for Judgment on the Pleadings is GRANTED, and the

Commissioner's Motion for Judgment on the Pleadings is DENIED. The decision of the Commissioner is reversed, and the case is remanded to the Commissioner for further proceedings.

3. The Clerk is directed to close the case and enter judgment accordingly.

4. The Clerk of the Court shall serve a copy of this Order upon all parties and the

Magistrate Judge assigned to this case.

**IT IS SO ORDERED.**

Dated: August 29, 2011  
Syracuse, New York

  
Norman A. Mordue  
Chief United States District Court Judge